## 106TH CONGRESS 1ST SESSION

# S. 1317

To reauthorize the Welfare-To-Work Program to provide additional resources and flexibility to improve the administration of the program.

# IN THE SENATE OF THE UNITED STATES

July 1, 1999

Mr. Akaka (for himself, Mr. Moynihan, Mrs. Feinstein, Mr. Wellstone, Mrs. Murray, and Mr. Lautenberg) introduced the following bill; which was read twice and referred to the Committee on Finance

# A BILL

To reauthorize the Welfare-To-Work Program to provide additional resources and flexibility to improve the administration of the program.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Welfare-to-Work
- 5 Amendments of 1999".
- 6 SEC. 2. APPROPRIATIONS FOR FISCAL YEAR 2000.
- 7 (a) IN GENERAL.—Section 403(a)(5)(I)(i) of the So-
- 8 cial Security Act (42 U.S.C. 603(a)(5)(I)(i)) is amended

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1 by inserting ", and $1,000,000,000 for fiscal year 2000,"
   after "1999".
 3
        (b) Competitive Grants.—Section 403(a)(5)(B)(i)
   of such Act (42 U.S.C. 603(a)(5)(B)(i)) is amended by
   striking "and 1999" and inserting ", 1999, and 2000".
 6
   SEC. 3. ELIGIBILITY FOR SERVICES.
 7
        (a) Hard-to-Employ Long-Term Recipients.—
 8
   Section 403(a)(5)(C)(ii) of the Social Security Act (42)
   U.S.C. 603(a)(5)(C)(ii)) is amended—
10
             (1) by striking "Required Beneficiaries.—"
        and inserting "HARD-TO-EMPLOY RECIPIENTS.—";
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12
             (2) in the matter preceding subclause (I)—
13
                 (A) by striking "shall expend at least 70
14
             percent of all" and inserting "may expend";
15
             and
                 (B) by striking ", or for the benefit of non-
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             custodial parents,";
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             (3) in the matter preceding item (aa) of sub-
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        clause (I)—
                 (A) by striking "At least 2" and inserting
20
             "Any";
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                 (B) by striking "apply" and inserting "ap-
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23
             plies"; and
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                 (C) by striking "or the noncustodial par-
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             ent";
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1	(4) in item (aa) of subclause (I), by striking ",
2	and has low skills in reading or mathematics";
3	(5) by adding at the end of subclause (I) the
4	following:
5	"(dd) The individual has
6	English reading, writing, or com-
7	puting skills at or below the 8th
8	grade level.
9	"(ee) The individual is
10	homeless.
11	"(ff) The individual has a
12	disability.
13	"(gg) The individual has
14	been a victim of domestic vio-
15	lence."; and
16	(6) in the matter preceding item (aa) of sub-
17	clause (II), by striking "or the minor children of the
18	non-custodial parent".
19	(b) Noncustodial Parents.—Section
20	403(a)(5)(C) of such Act (42 U.S.C. 603(a)(5)(C)) is
21	amended—
22	(1) by redesignating clauses (iii) through (viii)
23	as clauses (iv) through (ix), respectively; and
24	(2) by inserting after clause (ii) the following:

1	"(iii) Noncustodial parents.—An
2	entity that operates a project with funds
3	provided under this paragraph may use the
4	funds to provide services in a form de-
5	scribed in clause (i) to noncustodial par-
6	ents with respect to whom the require-
7	ments of the following subclauses are met:
8	"(I) The noncustodial parent is
9	unemployed, underemployed, or hav-
10	ing difficulty in paying child support
11	obligations.
12	"(II) At least 1 of the following
13	applies to a minor child of the non-
14	custodial parent (with preference in
15	the determination of the noncustodial
16	parents to be provided services under
17	this paragraph to be provided by the
18	entity to those noncustodial parents
19	with minor children who meet, or who
20	have custodial parents who meet, the
21	requirements of item (aa)):
22	"(aa) The minor child or the
23	custodial parent of the minor
24	child meets the requirements of
25	clause (ii)(II).

1	"(bb) The minor child is eli-
2	gible for, or is receiving, benefits
3	under the program funded under
4	this part.
5	"(ce) The minor child re-
6	ceived benefits under the pro-
7	gram funded under this part in
8	the 12-month period preceding
9	the date of the determination but
10	no longer receives such benefits.
11	"(dd) The minor child is eli-
12	gible for, or is receiving, assist-
13	ance under the Food Stamp Act
14	of 1977, benefits under the sup-
15	plemental security income pro-
16	gram under title XVI of this Act,
17	medical assistance under title
18	XIX of this Act, or child health
19	assistance under title XXI of this
20	$\operatorname{Act}$ .
21	"(III) The noncustodial parent is
22	in compliance with the terms of a per-
23	sonal responsibility contract entered
24	into among the noncustodial parent,
25	the entity, and the agency responsible

1	for administering the State plan
2	under part D, which was developed
3	taking into account the employment
4	and child support status of the non-
5	custodial parent, which was entered
6	into not later than 30 (or, at the op-
7	tion of the entity, not later than 90)
8	days after the noncustodial parent
9	was enrolled in the project and which,
10	at a minimum, includes the following:
11	"(aa) A commitment by the
12	noncustodial parent to cooperate,
13	at the earliest opportunity, in the
14	establishment of the paternity of
15	the minor child, through vol-
16	untary acknowledgement or other
17	procedures, and in the establish-
18	ment of a child support order.
19	"(bb) A commitment by the
20	noncustodial parent to cooperate
21	in the payment of child support
22	for the minor child, which may
23	include a modification of an ex-
24	isting support order to take into
25	account the ability of the non-

1	custodial parent to pay such sup-
2	port and the participation of such
3	parent in the project.
4	"(cc) A commitment by the
5	noncustodial parent to participate
6	in employment that will enable
7	the noncustodial parent to make
8	regular child support payments,
9	which may include temporary em-
10	ployment in community service or
11	work experience provided under
12	this paragraph to assist in prepa-
13	ration for unsubsidized employ-
14	ment, and for such parents who
15	have not attained 20 years of
16	age, may include completion of
17	high school, a general equivalency
18	degree, or other education di-
19	rectly related to employment.
20	"(dd) A description of the
21	services to be provided under this
22	paragraph, and a commitment by
23	the noncustodial parent to par-
24	ticipate in such services, that are
25	designated to assist the noncusto-

dial parent obtain and retain employment, increase earnings, and enhance the financial and emotional contributions to the well-being of the minor child.

In order to protect custodial parents and children who may be at risk of domestic violence, the preceding provisions of this subclause shall not be construed to affect any other provision of law requiring a custodial parent to cooperate in establishing the paternity of a child or establishing or enforcing a support order with respect to a child, or entitling a custodial parent to refuse, for good cause, to provide such cooperation as a condition of assistance or benefit under any program, shall not be construed to require such cooperation by the custodial parent as a condition of participation of either parent in the program authorized under this paragraph, and shall not be construed to require a custodial parent to cooperate with or

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1	participate in any activity under this
2	clause. The entity operating a project
3	under this clause with funds provided
4	under this paragraph shall consult
5	with domestic violence prevention and
6	intervention organizations in the de-
7	velopment of the project.".
8	(e) Recipients With Characteristics of Long-
9	TERM DEPENDENCY; CHILDREN AGING OUT OF FOSTER
10	Care.—
11	(1) In general.—Subclause (II) of section
12	403(a)(5)(C)(iv) of such Act (42 U.S.C.
13	603(a)(5)(C)(iv)(II)), as so redesignated by sub-
14	section (b)(1) of this section, is amended to read as
15	follows:
16	"(II) to children—
17	"(aa) who have attained 18
18	years of age but not 25 years of
19	age; and
20	"(bb) who, on the day before
21	attaining 18 years of age were
22	recipients of foster care mainte-
23	nance payments (as defined in
24	section 475(4)) under part E or

1	were in foster care under the re-
2	sponsibility of a State.".
3	(2) Conforming amendments.—Section
4	403(a)(5)(C)(iv) of such Act (42 U.S.C.
5	603(a)(5)(C)(iv)), as so redesignated by subsection
6	(b)(1) of this section, is amended—
7	(A) in the heading by inserting "HARD TO
8	EMPLOY" before "INDIVIDUALS"; and
9	(B) in the last sentence by striking "clause
10	(ii)" and inserting "clauses (ii) and (iii)".
11	SEC. 4. EXPENDITURE REQUIREMENT FOR SERVICES TO
12	NONCUSTODIAL PARENTS.
13	(a) 20 Percent Minimum.—Section 403(a)(5)(A) of
14	the Social Security Act (42 U.S.C. 603(a)(5)(A)) is
15	amended by adding at the end the following:
16	"(x) Expenditures for noncusto-
17	DIAL PARENTS IN FISCAL YEAR 2000.—
18	"(I) 20 PERCENT MINIMUM.—
19	Subject to subclause (II) of this
20	clause, a State shall expend not less
21	than 20 percent of the funds allotted
22	to the State under this subparagraph
23	in fiscal year 2000 (including the
24	funds allocated to service delivery
25	areas pursuant to clause (vi)(I) of this

1	subparagraph) to provide services to
2	noncustodial parents meeting the re-
3	quirements of subparagraph (C)(iii).
4	"(II) WAIVER OF REQUIRE-
5	MENT.—The Governor of a State may
6	submit to the Secretary of Labor a re-
7	quest to waive the requirements of
8	subclause (I), which may include a re-
9	quest to reduce or eliminate the min-
10	imum percentage of expenditures re-
11	quired under such subclause. If the
12	Secretary of Labor determines there
13	is sufficient justification for the re-
14	quest, the Secretary of Labor may
15	grant the waiver.".
16	(b) State Plan Element.—Section
17	403(a)(5)(A)(ii)(I) of such Act (42 U.S.C.
18	603(a)(5)(ii)(I)) is amended—
19	(1) in item (dd), by striking "and" after the
20	semicolon;
21	(2) in item (ee), by striking the period and in-
22	serting a semicolon; and
23	(3) by adding at the end the following:
24	"(ff) contains assurances
25	that the State will meet the ex-

1 penditure requirements for serv-2 ices to noncustodial parents 3 under clause (x) with respect to the funds allotted under this subparagraph in fiscal year 2000, 6 and describes how the State will 7 meet such requirements and co-8 ordinate projects carried out with 9 funds allocated to the service de-10 livery areas in the State under 11 clause (vi)(I) and projects carried 12 out with funds reserved by the 13 Governor under clause (vi)(III) 14 to ensure the required expendi-15 ture level will be met; and".

#### 16 SEC. 5. ADDITIONAL STATE PLAN ELEMENTS.

- 17 (a) Integration With WIA State Plan.—Section
- 18 403(a)(5)(A)(ii)(I) of the Social Security Act (42 U.S.C.
- 19 603(a)(5)(A)(ii)(I)) is amended in the matter preceding
- 20 item (aa) by inserting "and, for fiscal year 2000, in addi-
- 21 tion to the addendum as part of the strategic State plan
- 22 submitted under section 112 of the Workforce Investment
- 23 Act of 1998" after "section 402".
- 24 (b) Coordination With Child Support En-
- 25 FORCEMENT AGENCIES.—Section 403(a)(5)(A)(ii)(I) of

1 such Act (42 U.S.C. 603(a)(5)(A)(ii)(I)), as amended by

2 section 4(b) of this Act, is further amended by adding at

3 the end the following:

"(gg) contains assurances that the State agencies administering the programs under this part and part D have been consulted in the development of the plan under this subclause, and a certification by the head of the State agency administering the program under part D that the agency will participate in the planning and coordination of services to noncustodial parents described in subparagraph (C)(iii), including the use of the procedures of the agency to determine appropriate levels child support for such noncustodial parents and to take appropriate actions, such as a review and adjustment or suspension of child support orders, if the noncustodial parent participating in

1	activities under this paragraph
2	does not have the ability to pay
3	the required amounts.".
4	SEC. 6. TRANSFER OF UNALLOTTED FORMULA FUNDS TO
5	COMPETITIVE GRANTS.
6	(a) Transfer of Funds.—Section 403(a)(5)(A)(ix)
7	of the Social Security Act (42 U.S.C. 603(a)(5)(A)(ix))
8	is amended to read as follows:
9	"(ix) Transfer of unallotted
10	FORMULA FUNDS.—If at the end of fiscal
11	year 1999 or 2000 funds available under
12	this subparagraph remain unallotted, the
13	Secretary shall use such funds in fiscal
14	year 2000 or 2001 to award competitive
15	grants in accordance with subparagraph
16	(B)(vi).".
17	(b) Use of Transferred Formula Funds.—Sec-
18	tion 403(a)(5)(B) of such Act (42 U.S.C. 603(a)(5)(B))
19	is amended by adding at the end the following:
20	"(vi) Use of transferred for-
21	MULA FUNDS.—The Secretary shall use
22	any funds available from fiscal year 1999
23	or 2000 pursuant to subparagraph (A)(ix)
24	to award competitive grants in fiscal year
25	2000 or 2001 in accordance with the re-

quirements of clauses (i) through (iv) of
this subparagraph, except that in awarding
such grants the Secretary shall give a preference to applicants, including Indian
tribes, located in States that were not allotted funds under subparagraph (A) in
the fiscal year from which the transfer
under subparagraph (A)(ix) is made.".

#### 9 SEC. 7. ELIGIBLE SERVICE PROVIDERS.

10 Section 403(a)(5)(C) of the Social Security Act (42) 11 U.S.C. 603(a)(5)(C), as amended by section 3(b)(1) of this Act, is amended by adding at the end the following: 13 "(x) ELIGIBLE SERVICE PRO-14 VIDERS.—The States and private industry 15 councils (or, if applicable, workforce invest-16 ment boards) or alternate administering 17 entities allocated formula funds under sub-18 paragraph (A), and the entities awarded 19 competitive grants under subparagraph 20 (B), may enter into agreements and con-21 tracts with, and award subgrants to, other 22 public and private entities, such as child 23 support enforcement agencies and commu-24 nity-based organizations, for the provision

1	of services through projects funded under
2	this paragraph.".
3	SEC. 8. PERFORMANCE BONUSES.
4	Section 403(a)(5)(E) of the Social Security Act (42
5	U.S.C. 603(a)(5)(E)) is amended—
6	(1) in clause (i), by striking "year 2000" and
7	inserting "years 2000 and 2001";
8	(2) in clause (iv)(I)(aa), by inserting "for pur-
9	poses of the bonus grants awarded in fiscal year
10	2000, and to each State that is a welfare-to-work
11	State for fiscal year 2000 for purposes of the bonus
12	grants awarded in fiscal year 2001" before the semi-
13	colon;
14	(3) in clause (iv)(I)(bb), by inserting "in fiscal
15	year 2000, and an amount equal to 7 percent of the
16	amount specified in subparagraph (I) for fiscal year
17	2000 in fiscal year 2001" before the period; and
18	(4) in clause (vi), by inserting "in fiscal year
19	2000. 7 percent of the amount specified in subpara-
20	graph (I) for fiscal year 2000 shall be reserved for
21	grants under this subparagraph in fiscal year 2001"
22	before the period.
23	SEC. 9. GRANTS TO INDIAN TRIBES.
24	(a) Increase in Reserve.—Section 403(a)(5)(F) of
25	the Social Security Act (42 U.S.C. 603(a)(5)(F)) is

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amended by adding at the end the following: "3 percent
 2
   of the amount specified in subparagraph (I) for fiscal year
 3
   2000 shall be reserved for such grants to Indian tribes.".
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        (b) ELIGIBILITY FOR COMPETITIVE GRANTS.—Sec-
 5
                             of
                                               (42)
                                                     U.S.C.
          403(a)(5)(B)(ii)
                                 such
                                         Act
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    603(a)(5)(B)(ii)) is amended by inserting ", or an Indian
   tribe that submits a proposal" before the period.
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 8
        (c) REPEAL OF RECAPTURE REQUIREMENTS.—
 9
             (1)
                        FORMULA
                                          GRANTS.—Section
10
                            of
                                               (42
        403(a)(5)(A)(iv)(I)
                                  such
                                         Act
                                                     U.S.C.
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        603(a)(5)(A)(iv)(I) is amended to read as follows:
12
                           "(I) 75 percent of the sum of the
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                      amount specified in subparagraph (I)
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                      for the fiscal year, minus the total of
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                      the amounts reserved pursuant to
16
                      subparagraphs (E), (F), (G), and (H)
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                      for the fiscal year; and".
18
             (2)
                      Competitive
                                          GRANTS.—Section
19
                                                     U.S.C.
        403(a)(5)(B)(v)(I)
                             of
                                               (42)
                                  such
                                         Act
20
        603(a)(5)(B)(v)(I)) is amended to read as follows:
                           "(I) 25 percent of the sum of the
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                      amount specified in subparagraph (I)
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                      for the fiscal year, minus the total of
24
                      the amounts reserved pursuant to
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1	subparagraphs (E), (F), (G), and (H)
2	for the fiscal year; and".
3	(3) Preservation of availability of
4	FUNDS.—Section 403(a)(5)(F) of such Act (42
5	U.S.C. $603(a)(5)(F)$ ), as amended by subsection (a)
6	of this section, is amended by adding at the end the
7	following: "Amounts so reserved shall remain avail-
8	able for obligation for 2 years.".
9	SEC. 10. FUNDING FOR EVALUATIONS.
10	(a) Welfare-to-Work Evaluation.—Section
11	403(a)(5)(G) of the Social Security Act (42 U.S.C.
12	603(a)(5)(G)) is amended by striking "amount so speci-
13	fied for fiscal year 1999" and inserting "amounts so speci-
14	fied for each of fiscal years 1999 and 2000".
15	(b) Abstinence Education Evaluation.—Section
16	403(a)(5)(H)(i) of such Act (42 U.S.C. 603(a)(5)(H)(i))
17	is amended by inserting ", and 0.1 percent of the amount
18	so specified for fiscal year 2000," after "1999".
19	SEC. 11. TECHNICAL ASSISTANCE.
20	(a) Establishment of Reserve.—Section
21	403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5))
22	is amended by adding at the end the following:
23	"(K) Funding for technical as-
24	SISTANCE.—1 percent of the amount speci-
25	fied in subparagraph (I) for fiscal year

1 2000 shall be reserved by the Secretary of 2 Labor for technical assistance to States, 3 localities, Indian tribes, and other entities carrying out projects under this paragraph. Such technical assistance shall include the 6 dissemination of information regarding in-7 novative and promising practices and ap-8 proaches relating to welfare-to-work activi-9 ties, including strategies for effectively serving noncustodial parents. The Sec-10 11 retary of Labor, in consultation with the 12 Secretary of Health and Human Services, 13 shall develop a technical assistance strat-14 egy for carrying out this subparagraph 15 that ensures coordination and promotes 16 partnerships among States and local agen-17 cies carrying out activities under this para-18 graph and under this part, child support 19 agencies, and community-based organiza-20 tions serving noncustodial parents.". 21

### (b) Conforming Amendments.—

22 (1)FORMULA GRANTS.—Section 23 403(a)(5)(A)(iv)(I)ofsuch Act (42)U.S.C. 603(a)(5)(A)(iv)(I), as amended by section 9(c)(1)24

1	of this Act, is amended by striking "and (H)" and
2	inserting "(H), and (K)".
3	(2) Competitive Grants.—Section
4	403(a)(5)(B)(v)(I) of such Act (42 U.S.C.
5	603(a)(5)(B)(v)(I)), as amended by section $9(c)(2)$
6	of this Act, is amended by striking "and (H)" and
7	inserting "(H), and (K)".
8	SEC. 12. SIMPLIFICATION AND COORDINATION OF REPORT-
9	ING REQUIREMENTS.
10	(a) Elimination of Current Requirements.—
11	Section 411(a)(1)(A) of the Social Security Act (42 U.S.C.
12	611(a)(1)(A)) is amended—
13	(1) in the matter preceding clause (i), by insert-
14	ing "(except for information relating to activities
15	carried out under section 403(a)(5))" after "part";
16	and
17	(2) by striking clause (xviii).
18	(b) Establishment of Reporting Require-
19	MENT.—Section 403(a)(5)(C) of the Social Security Act
20	(42 U.S.C. $603(a)(5)(C)$ ), as amended by sections $3(b)(1)$
21	and 7 of this Act, is amended by adding at the end the
22	following:
23	"(xi) Reporting requirements.—
24	The Secretary of Labor shall establish re-
25	quirements for the collection and mainte-

1	nance of financial and participant informa-
2	tion and the reporting of such information
3	by entities carrying out activities under
4	this paragraph.".
5	SEC. 13. REPORT TO CONGRESS.
6	Section 413(j)(2)(C) of the Social Security Act (42
7	U.S.C. 613(j)(2)(C)) is amended—
8	(1) by striking "Final Report.—" and insert-
9	ing "Subsequent reports.—";
10	(2) by striking "(or" and inserting "and Janu-
11	ary 1, 2002, respectively, (or, in either case,"; and
12	(3) by striking "a final report" and inserting
13	"reports".
13 14	"reports".  SEC. 14. JOB SKILLS TRAINING, VOCATIONAL EDU-
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14	SEC. 14. JOB SKILLS TRAINING, VOCATIONAL EDU-
14 15	SEC. 14. JOB SKILLS TRAINING, VOCATIONAL EDU- CATIONAL TRAINING, AND BASIC EDUCATION
14 15 16 17	SEC. 14. JOB SKILLS TRAINING, VOCATIONAL EDU- CATIONAL TRAINING, AND BASIC EDUCATION INCLUDED AS ALLOWABLE ACTIVITIES.
14 15 16 17	SEC. 14. JOB SKILLS TRAINING, VOCATIONAL EDU- CATIONAL TRAINING, AND BASIC EDUCATION INCLUDED AS ALLOWABLE ACTIVITIES.  Section 403(a)(5)(C)(i) of the Social Security Act (42)
14 15 16 17	SEC. 14. JOB SKILLS TRAINING, VOCATIONAL EDU- CATIONAL TRAINING, AND BASIC EDUCATION INCLUDED AS ALLOWABLE ACTIVITIES.  Section $403(a)(5)(C)(i)$ of the Social Security Act (42 U.S.C. $603(a)(5)(C)(i)$ ) is amended by inserting after sub-
14 15 16 17 18	SEC. 14. JOB SKILLS TRAINING, VOCATIONAL EDU- CATIONAL TRAINING, AND BASIC EDUCATION INCLUDED AS ALLOWABLE ACTIVITIES.  Section 403(a)(5)(C)(i) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(i)) is amended by inserting after sub- clause (VI) the following:
14 15 16 17 18 19 20	SEC. 14. JOB SKILLS TRAINING, VOCATIONAL EDU- CATIONAL TRAINING, AND BASIC EDUCATION INCLUDED AS ALLOWABLE ACTIVITIES.  Section 403(a)(5)(C)(i) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(i)) is amended by inserting after sub- clause (VI) the following:  "(VII) Job skills training, voca-
14 15 16 17 18 19 20 21	SEC. 14. JOB SKILLS TRAINING, VOCATIONAL EDU- CATIONAL TRAINING, AND BASIC EDUCATION INCLUDED AS ALLOWABLE ACTIVITIES.  Section 403(a)(5)(C)(i) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(i)) is amended by inserting after sub- clause (VI) the following:  "(VII) Job skills training, voca- tional educational training, and (in
14 15 16 17 18 19 20 21	SEC. 14. JOB SKILLS TRAINING, VOCATIONAL EDU- CATIONAL TRAINING, AND BASIC EDUCATION INCLUDED AS ALLOWABLE ACTIVITIES.  Section 403(a)(5)(C)(i) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(i)) is amended by inserting after sub- clause (VI) the following:  "(VII) Job skills training, voca- tional educational training, and (in the case of recipients who have not

# 1 SEC. 15. EFFECTIVE DATES.

- 2 (a) In General.—Except as provided in subsection
- 3 (b), the amendments made by this Act shall take effect
- 4 on October 1, 1999.
- 5 (b) Transfer of Formula Funds.—The amend-
- 6 ments made by section 6 shall apply with respect to funds
- 7 appropriated to carry out section 403(a)(5) of the Social
- 8 Security Act (42 U.S.C. 603(a)(5)) for fiscal years 1999
- 9 and 2000.

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